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UNCLAS SECTION 01 OF 04 BAMAKO 000725

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SUBJECT: FRAUD SUMMARY - BAMAKO

REF: (A) 08 STATE 074840, (B) STATE 097431, (C) BAMAKO 00367

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Following is Embassy Bamako's fraud report for the second half of FY  
12009. Responses are keyed to paragraph 7 of Reftel A.

1A. COUNTRY CONDITIONS: Bamako is a high fraud post.

Mali is the second largest country in West Africa in terms of territory, and is one of the world's poorest nations with a per capita income of around USD 250. Unemployment is high. Fraud investigations are hampered by the fact that most Malians cannot read and write, and therefore rely on others to fill out applications. Further, due to the lack of education and documentation, many applicants do not know their own dates of birth and other general facts or circumstances about their own lives. Limited infrastructure makes travel and outreach difficult. There are concentrations of expatriate Malians living in the Washington, New York, Philadelphia, and Baltimore metro areas and most business and tourist visa applicants intend to travel to these locations. There is a steady stream of tourist, commercial trader, and student applicants. Apparently bucking the worldwide trend, during FY09 NIV applications were up six percent with appointments booked at the end of the fiscal year through mid November representing a potential increase in FY09 workload of 18 percent over FY08.

1B. NIV FRAUD: The primary type of NIV fraud encountered in Bamako involves fraudulent documents of all kinds, including civil, financial and school documents. These practices touch close to 90 percent of NIV fraud cases. The consular section encounters fraudulent documents on a daily basis. Fortunately, most fraud is unsophisticated and applicants attempting to make use of false documents are refused under INA section 214b before FPU resources are required.

Although wide-spread, the fraud encountered in Bamako does not appear to be systematic. To combat document fraud, the consular office relies on a network of local government, school, and private bank officials to verify documents regarded as suspicious. Some documents cannot be verified because they are from regions outside of Bamako. The daily volume of questionable documents accompanying NIV applications means the consular section can only verify selected items.

In general, there appear to be three primary reasons for NIV fraud: legitimate travelers attempting to bolster what they fear might be viewed as a questionable case; those wishing to stay and work in the United States; and those wishing to reunite with family who have overstayed in the United States. The vast majority of children seen

with false birth certificates fall into this latter category.

The use of false feeder documents is a trend observed at post. In nearly all cases of this type, the "parents" were either well-qualified or already had a visa, and came with their "children" to apply for trips, usually to visit family or friends in the United States. After several revocations and findings of ineligibilities under section 212(a)(6)(E), the pattern seems to abate for a while but then returns again after some months.

Thanks to our proactive colleagues at Embassy Brazzaville, Post was made aware of a Brazzaville-based fraud scheme to generate false passport entry stamps for the United Arab Emirates. An arrest was made in this case in mid September in Brazzaville and the Congolese police investigation indicated significant numbers of Malian nationals were included in this scam. Based on the detailed fraud indicators provided by Embassy Brazzaville for these particular stamps, in less than a month's time, post was able to intercept upwards of a dozen applicants with these fraudulent stamps. All of these individuals were merchants attempting to bolster their weak travel history by purporting trips to Dubai for their purchases. All of these individuals were refused under INA 214b.

In August 2009, two very poor quality fraudulent U.S. Lincoln Visas in Malian passports were intercepted by the immigration police at the Bamako Senou International Airport. While post was neither able to examine the actual documents nor interview the imposters, the Malian immigration authorities provided photocopies of the fraudulent visas to the Embassy. A review of the photocopies suggests one visa to be a washed Lincoln foil with a low quality printer and unsophisticated attempt to print data. The other foil appears to be a poor quality scan and color print of the same foil. This information was turned over to the RSO.

1C. IV FRAUD: Embassy Bamako does not issue immigrant visas but

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accepts immigrant visa petitions for the immediate relatives of U.S. citizens filed by U.S. citizens who have resided in Mali for six months or more. All petitions at post are family based petitions and are usually filed by Peace Corps volunteers, international NGO employees, or other long term residents planning to return to the United States after serving abroad. Post routinely conducts immigrant visa-related antifraud investigations for Embassy Dakar (our IV processing post), Embassy Abidjan, and the Department of Homeland Security (DHS).

1D. DV FRAUD: Embassy Bamako does not issue diversity visas; however, shortly after the reporting period post has plans to conduct an information campaign in order to educate potential applicants about the DV program. As in the case of IVs, post also routinely conducts DV-related anti-fraud investigations for the Embassy Dakar.

1E. ACS AND PASSPORT FRAUD: The biggest challenge to post's passport operations is the fact that the vast majority of passport applicants are made on behalf of children with only one or no U.S. citizen parent. Most of the cases are presented to officers by a third party -- a relative or guardian -- rather than the child's biological parents, who are usually residing, often illegally, in the United States. The biggest obstacle in these cases comes in verifying the identity of the child presented at the window. Confirming that the child at the consular window is the same as the infant pictured in a passport is a serious challenge because many of the parents and/or guardians of these children have allowed their child's passport to expire.

Post regularly requires additional documentation such as age progression photos, passports of parents showing their travel to the United States, and hospital records when adjudicating cases. Further complicating the issue is obtaining verification of parental consent. Parents frequently provide consent forms, notarized in the United States, but there is no way to determine if the person who signed the consent is the actual parent, as thousands may have that same name. Although there have been no cases of imposters using U.S. passports to travel to the United States, post continues to remind Malian authorities that we are available for consultation and

training when fraud is suspected.

F. ADOPTION FRAUD: Post has spent a considerable amount of time during the reporting period attempting to verify Mali's compliance with the Hague Convention on Intercountry Adoptions. This has been prompted by the receipt of post's first Hague adoption case. A cursory review of the petition has revealed several fraud indicators. As post does not issue immigrant visas, all of this information has been shared with Embassy Dakar.

G. DNA TESTING: Post routinely requests DNA testing in connection with Visas 92/93 cases and CRBA applications where the relationships of beneficiaries to petitioners are in serious doubt. CRBA cases involving DNA usually involve Americans males with dual nationality who come to make a CRBA application several years after the birth of child or for multiple children with different mothers. Visas 92/93 cases requiring DNA usually involve applicants with no civil documents and/or proof of relationship.

Post has enthusiastically welcomed the new DNA testing procedures detailed in Reftel B as post has long harbored doubts as to the efficacy of its DNA testing procedures due to the virtual absence of any negative DNA results (Reftel C). Post has not yet been able to implement the procedures spelled out in State 097431 but is working to do so. In the interim post has frozen all DNA testing.

H. ASYLUM AND DHS BENEFITS FRAUD: Post continues to process a significant number of Visas 92/93 cases and has observed a more than doubling of cases during FY09 versus FY08. These cases include beneficiaries from Guinea, Cote d'Ivoire, Mauritania, Mali, Sierra Leone, Liberia, and Congo-Brazzaville. Post finds it difficult to identify fraud in these cases because the majority of follow-to-join beneficiaries have either no identification documents at all or certificates from areas where verification is impossible. In addition, many of these cases involve individuals who cannot read or write. They often cannot provide specific dates or timelines and are confused about other details of their experiences. As reported in paragraph G, after consultations with DHS, post routinely suggests DNA testing in cases where the relationship of beneficiaries to petitioners is in doubt.

Post's greatest concern in Visas 92 cases are the ever growing number of cases involving Female Genital Mutilation (FGM). This trend was first observed in FY08 and has continued to grow over this

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reporting period. In a typical FGM-related case the asylum petitioner is a woman petitioning for her family to join her in the United States. The basis on which asylum was granted was the fact that the woman had undergone FGM and feared returning to her native country for reasons related to FGM. Post notes that many of the petitioners in these cases had been present in the United States for many years before making their FGM-based asylum claim. We further note that many of these petitions have been filed by immigration attorneys and appear strikingly similar, suggesting a pattern.

FGM is a practice that has been recognized under international law as a violation of human rights and post is not questioning its grounds for asylum claims but is only raising the fact that a potentially legitimate basis for an asylum claim appears as if it is being exploited. Post has made its concerns known to the regional DHS Office and per 9 FAM Appendix O, 1208.2-5(A) has reported on suspected fraudulent use of FGM-based asylum claims to USCIS' Asylum Branch.

I. ALIEN SMUGGLING, TRAFFICKING, ORGANIZED CRIME, AND TERRORIST TRAVEL: As discussed in paragraph B, post has seen an increase in child trafficking cases with otherwise well-qualified adults facilitating. Post is unaware of any cases relating to terrorism, organized crime or organized trafficking in the reporting period.

J. DS CRIMINAL FRAUD INVESTIGATIONS: Bamako's consular and RSO sections enjoy a professional relationship. Consular employees are quick to bring to RSO's attention any cases involving fraud. However, as noted above, Malian authorities are reluctant to prosecute or investigate cases of alleged document fraud and

smuggling.

During the second half of FY09 Post was part of an investigation opened by Diplomatic Security's New York Field Office (VF-2009-00834) regarding a business in New York City which was believed to be selling invitation letters to electronics merchants in various West African nations, including Mali. This investigation was opened at the initiation of Embassy Ouagadougou in cooperation with CA/FPP. Embassy Bamako was able to track down several recent applicants using these invitation letters and re-interview them and provide scans of the invitation letters and associated documentation. After investigation, the case was ultimately closed by Diplomatic Security with no action taken against the New York business.

1K. HOST COUNTRY PASSPORT, IDENTITY DOCUMENTS AND CIVIL REGISTRY: Passports, birth certificates, marriage certificates and other official documents are easily obtained in Mali. In February 2007, with funding from the Canadian government, Mali came out with a new machine readable passport. The new book contains several security features including microprinting, UV features, and a full color digital photo. A Malian passport may be obtained by presenting a valid birth certificate and, for adult applicants, a photo ID. Passport errors such as alternate name spellings and birth date changes are common. Mali does not currently have an agreement with the United States to extend passport validity six months beyond the expiration date, so consular officers frequently have to request that visa applicants obtain a new passport before a visa can be issued.

As an example of how quickly a Malian passport can be obtained Post refused a qualified B1/B2 applicant under INA 221g and asked him to obtain a new passport at 8:00 a.m. (less than 6 months validity remaining) and the individual returned before 3:00 p.m. with the new document.

Due to the number of offices and individuals authorized to issue birth and marriage certificates, the variety of different official formats for these documents, and the prevalence of blank official forms and seals on the open market, it is often impossible to differentiate between authentic and false certificates. Individuals who do not have a valid birth certificate or birth records only need two witnesses to certify to a clerk of court their birth date and a certificate will be issued. In almost every circumstance, all such documents must be verified.

Since obtaining Malian passports and civil documents is so easy, post has seen NIV applicants with valid Malian passports who would not seem to be Malian. Their inability to speak one of the local languages and unfamiliarity with Malian cultural and historic traditions are often indicators that they are not bona fide applicants. Post has received reports that Nigerians have been issued Malian passports.

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1L. COOPERATION WITH HOST GOVERNMENT AUTHORITIES: Cooperation with Malian government officials on fraud matters is low. The Embassy maintains close contacts with several of the local authorities responsible for verifying official documents though unfortunately, the response of law enforcement officials when provided with evidence of fraud and likely criminal activity, still remains anemic, in large part due to capacity constraints.

1M. AREAS OF PARTICULAR CONCERN: Post's main concern is its inability to pay as much attention to fraud prevention matters as it would like given current staffing (refer to paragraph N for further details) This situation has lead to an over-reliance on the senior FSN visa assistant who has also been doubling as the fraud-prevention FSN. Post is looking forward to encumbering both the full-time fraud prevention FSN position as well as the A/EFM Consular Associate position during the first quarter of FY10. With the addition of these extra resources, post will be well positioned to improve its attention to fraud prevention.

A secondary concern is that during the reporting period post has

transitioned from a contracted NIV appointment call center to CA's online NIV appointment system. This action was taken mostly due to the call center's poor service but additionally due to indications of occasional malfeasance. While post is satisfied with the on-line system, there may be vulnerabilities due to its lack of experience and familiarity with the new system. Post has conferred with other regional posts using the online system and implemented several of their best practices.

1N. STAFFING AND TRAINING: The consular section has one full-time and one part-time officer position. The incumbent part-time officer departed post in April. Post is confident that the officer staffing situation will improve during FY10. On the LE staffing front, post is welcoming a new A/EFM consular associate after a 17 month gap at that position and will be encumbering the new full-time fraud associate position in the first quarter of FY10.

The consular section chief has taken the Fraud Prevention course for Managers. Post will send the part-time consular officer to this course as soon as possible. As detailed in paragraph M, until the full-time fraud prevention FSN position is encumbered, Bamako's visa assistant will continue to handle the fraud-prevention portfolio. He has attended the fraud prevention course for LE staff and also attended the consular regional workshop at FSI. He additionally completed the FSI online correspondence courses including Detecting Imposters, Detecting Fraudulent Documents, Immigration Law and Visa Operations, Nationality Law/Consular Procedures, Overseas Citizens Services. We expect there to be a period of transition when the full-time fraud prevention FSN gets up to speed, but this should not last beyond the second quarter of FY10.

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